

JUL 16 2007

## Certificate of Facsimile

I hereby certify that this correspondence is being facsimile-transmitted to the Commissioner for Patents and Trademarks at 571-273-8300 on the below date:

Date: July 16, 2007

Name: Carolyn Beason-Wright

Signature:

*Carolyn Beason-Wright*
 BRINKS  
 HOFER  
 GILSON  
 & LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Vincent A. Fischetti, et al.

Appln. No.: 10/593,545

Filed: March 23, 2005

 For: LYTIC ENZYMES AND SPORE SURFACE  
 ANTIGEN FOR DETECTION AND  
 TREATMENT OF BACILLUS ANTHRAXIS  
 BACTERIA AND SPORES

Examiner: Unknown

Art Unit: Unknown

Attorney Docket No: 12157/017

 Mail Stop Missing Parts  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Response to Notification of Missing Requirements; Notification of Missing Requirements; Declaration; (7 pages including transmittal)
- ☐ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☒ A petition or surcharge in an amount of \$65.00 under 37 C.F.R. § 1.16(g).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ to cover the above-identified fee(s) is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$65.00. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

7/16/07

Date

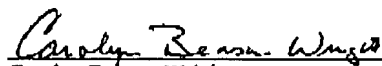
*Nicholas M. Boivin*  
 Nicholas M. Boivin (Reg. No. 45,650)

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I hereby certify that this correspondence is being  
facsimile-transmitted to the Commissioner for Patents  
and Trademarks at 571-273-8300 on July 16, 2007.

  
Carolyn Beason-Wright

Case No. 12157/017

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Vincent A. Fischetti, et al.

Serial No.: 10/593,545

Attention: Manager,  
Application Branch

Filed: March 23, 2005

For: LYTIC ENZYMES AND SPORE  
SURFACE ANTIGEN FOR  
DETECTION AND TREATMENT  
OF BACILLUS ANTHRAXIS  
BACTERIA AND SPORES

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US)

## MAIL STOP MISSING PARTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the Notification of Missing Requirements Under 35 U.S.C.  
371 in the United States Designated/Elected Office (DO/EO/US) dated June 21, 2007,  
a copy of which is attached, enclosed herewith for filing are the following documents:

- ☒ Fully executed Declaration for Patent Application and Power of Attorney for  
the above-referenced patent application.
- ☒ Applicant:
- ☒ claims small entity status. See 37 CFR 1.27.

Serial No.: 10/593,545

Filing Date: March 23, 2005

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- ☐ is other than small entity
- ☒ Fees totaling \$65.00 for:
- ☐ Filing Fee of \$ \_\_\_\_.
- ☒ Surcharge of \$65.00.
- ☐ Additional Claim Fees of \$ \_\_\_\_.
- ☐ Search Fee of \$ \_\_\_\_.
- ☐ Examination Fee of \$ \_\_\_\_.
- ☐ Extension of Time Fee of \$ \_\_\_\_.
- ☐ Application Size Fee (for each additional 50 sheets that exceeds 100 sheets, including specification and drawings) of \$ \_\_\_\_.
- ☐ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☐ Other: \_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge the above fees or credit overpayment to Deposit Account No. 23-1925 in accordance with the attached Transmittal Sheet.

Respectfully submitted,

Dated:

7/16/2007

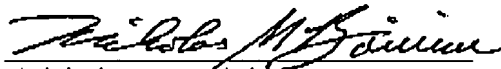
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65.00 DA



Nicholas M. Boivin

Registration No. 45,650

Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
CUSTOMER NO. 27879  
317-636-0886

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,545	Vincent A. Fischetti	12157/017

INTERNATIONAL APPLICATION NO.
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PCT/US05/09928

I.A. FILING DATE	PRIORITY DATE
03/23/2005	03/24/2004

27879

INDIANAPOLIS OFFICE 27879  
BRINKS HOFER GILSON & LIONE  
ONE INDIANA SQUARE, SUITE 1600  
INDIANAPOLIS, IN 46204-2033

CONFIRMATION NO. 2567

371 FORMALITIES LETTER

\*OC000000024447324\*

Date Mailed: 06/21/2007

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/20/2006
- Copy of the International Search Report filed on 09/20/2006
- Preliminary Amendments filed on 09/20/2006
- Biochemical Sequence Diskette filed on 09/20/2006
- Biochemical Sequence Listing filed on 09/20/2006
- U.S. Basic National Fees filed on 09/20/2006
- Substitute Specification filed on 09/20/2006
- Specification filed on 09/20/2006
- Claims filed on 09/20/2006
- Abstracts filed on 09/20/2006
- Drawings filed on 09/20/2006
- Paper nucleotide sequence listings filed on 09/20/2006

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JUN 25 2007GILSON, HOFER & BRINKS  
ATTORNEYS AT LAW

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**RECEIVED  
CENTRAL FAX CENTER****JUL 16 2007****SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$440 for a Small Entity:

- \$65 Surcharge.
- The fee for submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes \$375 for 136 pages in excess of 150 pages for a small entity in compliance with 37 CFR 1.27.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,545	PCT/US05/09928	12157/017

FORM PCT/DO/EO/905 (371 Formalities Notice)